



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,233	10/11/2001	Teruyuki Motohashi	P/2041-64	9575

7590 10/03/2005

STEVEN I. WEISBURD, ESQ.
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS-41 ST FLOOR
NEW YORK, NY 10036-2714

EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
----------	--------------

2682

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/975,233	Applicant(s) MOTOHASHI, TERUYUKI	
	Examiner MINH D. DAO	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-11 is/are allowed.
- 6) ☒ Claim(s) 2-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

uv

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seki (US 5,689,813) in view of Kosaka (US 6,687,515).

Regarding claim 2, Seki teaches a portable communication terminal with an transmission function (see fig. 1, Radio Apparatus 1), comprising: reception electric field intensity detection means for detecting a reception electric field intensity of the portable communication terminal (see fig. 1, Field Electric Intensity Detector 104; col. 2, lines 61-67); and reception electric field intensity transmission means for transmitting a reception electric field intensity representative of the detected reception electric field intensity to the opposite party of communication (col. 3, lines 10-23); and reception electric field intensity transmission setting means for setting whether or not the reception electric field intensity image should be transmitted (Reference Seki, col. 5, lines 20-37). However, Seki fails to teach that the portable communication terminal has an image transmission function for transmitting an image. Kosaka, in an analogous art, teaches a

Art Unit: 2682

portable communication device capable of transmitting images (see fig. 1; col. 1, lines 31-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Kosaka to Seki for the benefit of reducing the processing time for one portable communication device to notify the opposite end its received signal strength.

Regarding claim 3, the combination of the teachings of Seki and Kosaka teaches a portable communication terminal with an image transmission function as claimed in claim 1, further comprising communication quality alarm image transmission means for transmitting a communication quality alarm image to the opposite party of communication when a communication quality alarm is generated in the portable communication terminal (Reference Seki, col. 5, lines 26-42). In this case, the displayed "out-of-range" of Seki combined with the image transmission capability of Kosaka reads on the generated communication quality alarm image transmission of the present invention.

Regarding claim 4, the combination of the teachings of Seki and Kosaka teaches a portable communication terminal with an image transmission function as claimed in claim 3, further comprising communication quality alarm transmission setting means for setting whether or not a communication quality alarm image should be transmitted (Reference Seki, col. 5, lines 20-37).

Allowable Subject Matter

Claims 5-11 are allowed.

Regarding claim 5, closest cited references Seki and Kosaka, as mentioned in the previous office action, alone or in combination fail to teach that the reception electric field intensity image transmission means transmits the reception electric field intensity image together with an image picked up by the image pickup section. As specified in the claim.

Response to Arguments

Applicant's arguments filed 07/08/2005 have been fully considered but they are not persuasive.

In response to applicant's argument on page 7 of the remarks that Seki does not teach a setting means for setting or not the received electric field intensity should be transmitted. Examiner disagrees. Seki, in col. 4, line 58 to col. 5, line 37, the CPU 1043 calculates the received field intensity of the signal and compares it to the four levels stored in the memory of the device, and inform the display, the calculated result to be displayed, wherein the result is used to inform the user that whether or not the communication between the two apparatus can be done. Therefore, the CPU 1043

together with the display of Seki read on the setting means for setting or not the received electric field intensity should be transmitted.

Conclusion


1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

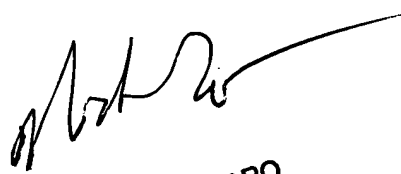
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NICK CORSARO can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao 
Art Unit 2682
September 20, 2005


NICK CORSARO
PRIMARY EXAMINER